

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EDDIE F. MARSHALL, et al.,
Plaintiffs,

Case No.: C-1-02-189

-vs-

JUDGE: WEBER

OHIO DEPT. OF EDUCATION, et al.,
Defendants.

MAGISTRATE JUDGE HOGAN

**PLAINTIFFS EDDIE F. MARSHALL, SANDRA D. MARSHALL, VENA
MARSHALL, KATHRYN P. MARSHALL, MATTHEW H. MARSHALL,
ABIGAIL D. MARSHALL, REBECCA BUSA, JANE DOE ONE, JANE DOE
TWO, JOHN DOE ONE AND JOHN DOE TWO'S MOTION FOR A RULING**

Counsel for the Plaintiffs

JOSEPH BANCSI
Counsel for the Appellant
Lakeside Place, Suite 450
323 West Lakeside Ave.
Cleveland, Ohio 44113
(216) 781-0111
(216) 781-6242 (fax)
jb@bancsilaw.com

Counsel for the Defendants

JIM PETRO
Ohio Attorney General
30 East Broad Street
Columbus, Ohio 43215
(614) 466-2828

R. GARY WALTERS
McCaslin, Imbus & McCaslin
The Provident Building Suite 900
632 Vine Street
Cincinnati, Ohio 45202
(513) 421-4646

Now come the Plaintiffs, by and through undersigned counsel, and request this Court to rule on its Motion for Leave to File an Amended Complaint, originally filed on July 18, 2003. Plaintiff's further request that given the lengthy delay while this motion was pending, that all dates except the trial date of November 2004 set forth in this Court's May 19, 2003, Calendar Order be moved forward.

The Motion for Leave to Amend has now been pending before this Court since July 23, 2003. Plaintiffs respectfully submit this delay has prejudiced Plaintiffs as the ruling will dictate how Plaintiffs will conduct discovery. As such, Plaintiffs request that all deadlines be moved forward, particularly the Discovery Deadline of April 30, 2004 and the filing deadline of June 30, 2004.

If this Court grants Plaintiffs' motion and moves these dates forward, Plaintiffs are confident they will be ready to try this case in November 2004 as originally scheduled.

Respectfully Submitted,

S/ Joseph Bancsi

JOSEPH BANCSI (0025450)
Attorney for the Plaintiffs
Lakeside Place, Suite 450
323 West Lakeside Ave.,
Cleveland, Ohio 44113
(216)781-0111
(216)781-6242 (fax)
jb@bancsilaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Motion for a Ruling was filed electronically this 5th day of January 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Mindy A. Worley
Assistant Attorney General
Education Division, Office of the Attorney General
30 East Broad Street 16th Floor
Columbus, Ohio 43215
(614) 466-2828

R. Gary Walters
McCaslin, Imbus & McCaslin
The Provident Building Suite 900
632 Vine Street
Cincinnati, Ohio 45202
(513) 421-4646

s/ Joseph Bancsi
Attorney for the Plaintiff